

COASTAL CONSERVANCY

Staff Recommendation
September 29, 2016

FEDERAL GOVERNMENTAL LIAISON

File No. 08-037-01
Project Manager: Sam Schuchat/Dick Wayman

RECOMMENDED ACTION: Authorization to disburse up to \$190,000 for consulting services to assist the Conservancy in maintaining and improving federal financial support for Conservancy projects.

LOCATION: Statewide

PROGRAM CATEGORY: Administration

EXHIBIT

Exhibit 1: [Federal funding for Coastal Conservancy projects 2003-2017](#)

Exhibit 2: [Project letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31100 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred ninety thousand dollars (\$190,000) to provide consulting services to assist with State Coastal Conservancy projects that receive federal funding and provide other consulting services. Assistance with the projects will include advocacy during federal appropriations and authorization processes, advice on federal funding opportunities and constraints, and coordination with federal project partners.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with Public Resources Code Sections 31103 and 31104, regarding the Conservancy’s ability to apply for and accept federal grants and receive other financial support from public sources and carry out the purposes of Division 21.

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Projects supported by funding received as a result of this authorization are or would be consistent with the purposes and objectives of Chapters 4.5, 5.5, and 6 of Division 21 of the Public Resources Code, regarding the protection and enhancement of natural resources in San Francisco Bay Area, marine, and coastal environments.”

PROJECT SUMMARY:

This authorization would enable the Conservancy to continue contracting for consulting services to maintain and improve federal financial support for Conservancy projects. The services would include advocacy for Conservancy projects at the federal level, and developing and pursuing federal appropriations and authorizations for those projects. The services would also facilitate the Conservancy’s ability to respond to Congressional actions and authorization proceedings.

The Conservancy and the federal government are jointly involved in major environmental restoration projects, including Hamilton Airfield/Bel Marin Keys Wetlands Restoration, Napa River Salt Marsh Restoration, and South Bay Salt Ponds Restoration/South San Francisco Bay Shoreline Study. Federal funding supports these projects and all are dependent on the continued receipt of that funding. The funding is subject to Congressional approval and review by agencies such as the Office of Management and Budget, the U.S. Army Corps of Engineers (COE), the National Oceanic and Atmospheric Administration, and the U.S. Fish and Wildlife Service.

Since March 2005 consulting firms under contract to the Conservancy have represented the Conservancy’s needs and interests to Congressional representatives and federal agency staff. The firms have also organized meetings for Conservancy staff in Washington, D.C., developed and pursued authorizations for Conservancy projects with Congress, and aggressively worked with key federal executive branch agencies to secure project approvals. The Conservancy contracted for these services because of the difficulties in having federal funding appropriated and disbursed for Conservancy projects. Conservancy staff believes that the firms’ services can be credited with much of the Conservancy’s success in obtaining federal support for projects since 2005.

Exhibit 1 shows federal funding received for Conservancy projects from 2003 through 2016, along with funding sought for FY 2017. In large part due to efforts by Conservancy staff and our contractors, federal appropriations since 2005 have totaled almost \$165 million. Conservancy projects were also authorized to receive more than \$348 million from the Water Resources Development Act (WRDA) of 2007 and were appropriated more than \$51 million in stimulus funds from the American Recovery and Reinvestment Act of 2009. It is staff’s opinion that the financial returns more than justify the approximately \$1.8 million awarded for federal liaison consulting services since 2005.

The current consultant is assisting the Conservancy in its requests for appropriations or authorizations in the upcoming federal budget and WRDA, for funding inclusions in COE budgets and work plans, with COE project approvals, and in resolving COE policy issues that impede project planning or implementation. Washington-based consultant services may also assist the Conservancy in obtaining federal support for its climate-change preparedness efforts. The President’s Executive Order of November 1, 2013, directs federal agencies to “identify

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opportunities to support and encourage smarter, more climate-resilient investments by States, local communities, and tribes, including by providing incentives through agency guidance, grants, technical assistance, performance measures, safety considerations, and other programs...” (Exec. Order 13653, 78 Fed Reg. 66817). Similarly, Executive Order of March 19, 2015, calls on federal agencies to coordinate with State, local, and tribal communities on climate-change preparedness and resilience planning (Exec. Order 13693, 80 Fed. Reg. 15869). These orders provide enhanced opportunities for federal cooperation and support for the Conservancy’s programs.

Contracting for federal consulting services has also greatly improved the efficiency of Conservancy staff visits to Washington in support of projects. Since contracting for these services, staff has been able to arrange meetings with many members of Congress, key Congressional staff, and high-ranking administration officials. This has resulted in fewer, more efficient, and more effective staff informational trips to Washington, D.C.

Staff expects that the \$190,000 recommended for this authorization would fund consultant services for approximately two years.

Project History: In April 2006 the Conservancy authorized use of \$250,000 to contract for federal consulting services. That was followed by Conservancy authorizations in September 2009 (\$285,000), July 2011 (\$270,000), June 2013 (\$270,000), and June 2015 (\$190,000). Prior and subsequent to the original authorization the Executive Officer has contracted for additional services using his delegated authority to address the Conservancy’s needs.

PROJECT FINANCING:

Coastal Conservancy

\$190,000

Staff expects to use funds from the FY 16/17 appropriation to the State Coastal Conservancy Fund of 1976. Funds in the Coastal Conservancy Fund may be used for any purpose within the Conservancy’s enabling legislation, including projects in any of our program areas and hiring external consultants to assist us with project management and development. Consistent with federal and State requirements, no federal funds or State bond funds will be used to fund the firm.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This authorization would be undertaken pursuant to Chapters 3, 4.5, 5.5, and 6 of the Conservancy’s enabling legislation, Division 21 of the Public Resources Code.

The Conservancy is authorized under Section 31104 of the Public Resources Code to apply for and accept federal grants and receive other financial support from public sources. This authorization would facilitate the Conservancy’s advocacy for federal funding for various existing and future projects. Section 31103 provides the Executive Officer with authority to plan for and carry out the administrative functions necessary to accomplish the goals of the Conservancy. This authorization would facilitate the Conservancy’s receipt and administration of federal funds administered by Washington, D.C.-based agencies.

All of the individual projects that this authorization supports have been or would be authorized under Chapters 4.5, 5.5, or 6 of the Conservancy's enabling legislation. Each of the individual projects is or will be consistent with the Conservancy's enabling legislation, and this authorization is designed to support those projects. The authorization would assist with implementation of Public Resources Code Section 31160 *et seq.*, regarding the Conservancy's authority to address resource goals of the San Francisco Bay Area; Section 31220, regarding the Conservancy's authority to restore fish and wildlife habitat within coastal watersheds and coastal and marine waters; and Section 31251 *et seq.*, regarding the Conservancy's authority to conduct enhancement projects within the coastal zone. All of the projects that have been or will be represented in Washington, D.C. involve restoration or enhancement of habitat either in the nine-county San Francisco Bay Area, in coastal watersheds, or in the coastal zone. Staff recommendations for each of the federally supported projects detail the consistency with our enabling legislation.

CONSISTENCY WITH CONSERVANCY'S 2013 STRATEGIC PLAN GOALS & OBJECTIVES:

The primary objective of the proposed authorization is to obtain federal financial support for Conservancy projects, each of which is consistent with one or more of the following goals and objectives of the Conservancy's 2013 Strategic Plan:

Goal 5: Enhance biological diversity, improve water quality, habitat, and other natural resources within coastal watersheds.

Objective 5A: Develop plans for the restoration and enhancement of coastal habitats, including coastal wetlands and intertidal areas, stream corridors, dunes, coastal terraces, coastal sage scrub, forests, and coastal prairie.

Objective 5B: Restore or enhance coastal habitats, including coastal wetlands and intertidal areas, stream corridors, dunes, coastal sage scrub, coastal terraces, forests and coastal prairie.

Objective 5C: Develop plans to preserve and enhance coastal watersheds and floodplains.

Objective 5D: Implement projects that preserve, enhance, coastal watersheds and floodplains.

Objective 5E: Implement projects to improve fish habitat including projects to remove barriers to fish passage, ensure sufficient in-stream flow, and provide in-stream habitat and favorable water temperatures.

Goal 7: Enhance the resiliency of coastal communities and ecosystems to the impacts of climate change.

Objective 7A: In cooperation with public agencies, universities and non-governmental organizations, identify significant climate-related threats, management challenges and priority technical assistance needed to maintain resilient coastal communities and natural resources.

Objective 7B: Conduct site-specific, regional and landscape-level vulnerability assessments from sea level rise and extreme storm events, and develop adaptation

plans and strategies to address threats to coastal communities and public infrastructure in ways that protect natural resources and provide maximum public benefits.

Goal 11: Protect and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance in the Bay Area.

Objective 11A: Protect tidal wetlands, managed wetlands, seasonal wetlands, riparian habitat, and subtidal habitat.

Objective 11B: Protect wildlife habitat, connecting corridors, scenic areas, and other open-space resources of regional significance.

Objective 11C: Develop plans for enhancement of tidal wetlands, managed wetlands, seasonal wetlands, upland habitat, and subtidal habitat.

Objective 11D: Enhance tidal wetlands, managed wetlands, seasonal wetlands, upland habitat, and subtidal habitat.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed authorization is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:** The proposed authorization would support projects that are helping to implement several state plans and policies. In particular, the South Bay Salt Ponds Restoration/South San Francisco Bay Shoreline Study (SBSP) supports plans that include:
 - *Safeguarding California: Reducing Climate Risk* (California Natural Resources Agency, July 2014). Under Ocean and Coastal Ecosystems and Resources, the plan lists actions needed to safeguard those ecosystems and resources. They include "Improve Management Practices for Coastal and Ocean Ecosystems and Resources and Increase Capacity to Withstand and Recover from Climate Impacts" and "Better Understanding of Climate Impacts on Ocean and Coastal Ecosystems and Resources." The SBSP supports these actions.
 - *California State Wildlife Action Plan: A Conservation Legacy for Californians* (California Department of Fish and Wildlife, 2015). Under Statewide Conservation Strategies three goals are listed: "Goal 1 – Abundance and Richness: Maintain and increase ecosystem and native species distributions in California while sustaining and enhancing species abundance and richness; Goal 2 – Enhance Ecosystem Conditions: Maintain and improve ecological conditions vital for sustaining ecosystems in California;

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Goal 3 – Enhance Ecosystem Functions and Processes: Maintain and improve ecosystem functions and processes vital for sustaining ecosystems in California.” The SBSP supports these goals. Under Bay Delta and Central Coast Province is listed Conservation Strategy 1: “Protect and restore land acquired through fee title or conservation easement, with focus on the following: acquire, protect, enhance, or restore salt marsh habitat...and increase connectivity among salt marsh habitats.” Listed under this strategy is the following conservation action: “Develop, fund, and implement conservation actions, land acquisition, and management plans as part of ...the South San Francisco Bay Salt Pond Restoration Project” (cited among other strategies, plans, and projects).

- *Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California, Volume 1* (U.S. Fish & Wildlife Service, August 27, 2013). The goal of the plan is the comprehensive restoration and management of regional tidal marsh ecosystems. Its focus includes two endangered animals: California clapper rail (now Ridgway’s rail) and salt marsh harvest mouse, both of which are found in the area of the SPSP. The SPSP supports the goal and specific objectives of the plan.
4. **Support of the public:** This authorization would provide for federal representation and advocacy of projects that are supported by many organizations and agencies. The consultant providing the representation will also be available to assist stakeholders and supporters in their advocacy for federal funds and authorization language related to Conservancy projects. Letters of support are provided in Exhibit 2.
 5. **Location:** All of the Conservancy’s projects that would be represented by a consultant under this authorization are located within the coastal zone, a coastal watershed, or the nine-county San Francisco Bay region.
 6. **Need:** As evidenced by Exhibit 1, without this authorization there would likely be a significant reduction in federal funding appropriated for Conservancy projects. Ultimately, far greater amounts of State and other non-federal dollars would be needed to continue projects, and some projects would be significantly delayed or canceled.
 7. **Greater-than-local interest:** All of the Conservancy’s federally-funded projects are of national interest, which qualifies them for federal investment.
 8. **Sea level rise vulnerability:** All projects affected by the proposed authorization that are located within areas vulnerable to future sea level rise have been or will be assessed for potential effects of sea level rise. Planning for these projects consider a range of sea level rise scenarios for the years 2050 and 2100 in order to assess project vulnerability. To the extent feasible, the design of these projects will include elements to reduce expected risks and increase resiliency to sea level rise.

Additional Criteria

- **Urgency:** The Conservancy’s federally funded projects have typically been in planning for many years, have been determined to be of national significance, and are dependent on federal funding. Federal representation will assist the Conservancy with completing large, complex projects in a timely fashion.

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- **Resolution of more than one issue:** Many of the Conservancy's federally funded projects resolve more than one issue. For example: Napa River Salt Marsh combines ecosystem restoration, recycled water reuse, and public access; South San Francisco Bay Shoreline Study combines ecosystem restoration, flood management, and public access; Hamilton Airfield/Bel Marin Keys combines ecosystem restoration and dredge material reuse.
- **Leverage:** See the "Project Summary" section above.
- **Realization of prior Conservancy goals:** See "Urgency" and "Project Summary" above. The Conservancy has invested significant funds and staff time in all of its federally funded projects.
- **Cooperation:** All of the Conservancy's federally funded projects involve several participants. For example, for the South San Francisco Bay Shoreline Study the Santa Clara Valley Water District has signed the Feasibility Cost Share Agreement with the Conservancy and the U.S. Army Corps of Engineers. Another example is the Port of Oakland's use of the Hamilton wetlands as a site for deposition of dredged materials.
- **Minimization of Greenhouse Gas Emissions:** Local representation in Washington, D.C. has enabled a reduction in the number of trips made by staff to the nation's capital, thereby reducing greenhouse gas emissions resulting from staff's air travel. For projects supported by that representation—Hamilton Airfield/Bel Marin Keys Wetlands Restoration, Napa River Salt Marsh Restoration, and South Bay Salt Ponds Restoration/South San Francisco Bay Shoreline Study—efforts have been undertaken to reduce greenhouse gas emissions as reflected in the authorizations for these projects.

COMPLIANCE WITH CEQA:

The proposed authorization for funding is not a "project" as that term is defined under 14 Cal. Code Regs. § 15378. This section excludes from CEQA review organizational or administrative activities that will not result in direct or indirect physical changes in the environment. The related individual projects supported by this authorization have each undergone review under the California Environmental Quality Act.